

U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

2021 APR 28 A 9:40

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Jason T. Sanders

COMPLAINT

(Enter above the full name of the plaintiff in this action)

V.

Civil Action No. _____

% K. McKevitt

(To be supplied by the Clerk of the Court)

% K. Pesce

(Enter the full name of the defendant or defendants in this action)

INSTRUCTIONS; READ CAREFULLY

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$400.00 (a filing fee of \$350.00, and an administrative fee of \$50.00), your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

6. If you cannot prepay the \$400.00 fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth in the application to proceed in forma pauperis. See 28 U.S.C. §1915. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

7. If you are given permission to proceed in forma pauperis, the \$50.00 Administrative Fee will not be assessed. The Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the complaint which you have submitted will be forwarded by the Clerk to the United States Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

QUESTIONS TO BE ANSWERED

1a. Jurisdiction is asserted pursuant to (CHECK ONE)

☒ 42 U.S.C. §1983 (applies to state prisoners)

☐ Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

1b. Indicate whether you are a prisoner or other confined person as follows:

☐ Pretrial detainee

☐ Civilly-committed detainee

☐ Immigration detainee

☒ Convicted and sentenced state prisoner

☐ Convicted and sentenced federal prisoner

☐ Other: (please explain) _____

2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Court and docket number: _____

- c. Grounds for dismissal: () frivolous () malicious
() failure to state a claim upon which relief may be granted

d. Approximate date of filing lawsuit: _____

e. Approximate date of disposition: _____

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

3. Place of Present Confinement? New Jersey State Prison

4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional Plaintiffs, if any.)

a. Name of plaintiff: Jason Sanders

Address: P.O. BOX 861, Trenton, N.J. 08625

Inmate #: SBI: 8574336 / In#: 1193438

b. First defendant:

Name: K. McKevitt

Official position: CORRECTIONAL OFFICER

Place of employment: New Jersey State Prison

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

% K. McKevitt violated Plaintiff constitutional rights by unduly tight handcuffing Plaintiff left wrist, even though Plaintiff complained that the handcuff (left) was too tight, which caused injury to Plaintiff left wrist. % K. McKevitt only ignored plaintiff complaints. Violation of the 4th and 8th

c. Second defendant:

Name: K. Pesce

Official position: CORRECTIONAL OFFICER

Place of employment: New Jersey State Prison

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

% K. Pesce failed to intervene when he witnessed % K. McKevitt was unduly tighten the left handcuff, by being the Officer that handcuffed my right arm, as well as hearing me complain of the handcuffs being too tight. % K. Pesce only ignored me as well. therefore violated Plaintiff constitutional rights.

d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

☒ Yes ☐ No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

1. I notified S.I.D. (Internal Affairs) and tried to get moved. 2. I had my family notify the Administrator. S.I.D. gave me a "Recorded Interview". I did request to S.I.D. to have %K. McKeivitt, but I never received any results.

If your answer is "No," briefly explain why administrative remedies were not exhausted.

6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

- ① On 2/25/2021, at 3DD, Cell 2, 7:10am both Correctional Officers %K. McKeivitt and %K. Pesce came to my cell, instructed me to put both arms out of the food slot, when I did %K. Pesce cuffed my right wrist, then %K. McKeivitt cuffed my left wrist, but to the point I felt it gripping hard and tight around the bones of my wrist. I repeatedly asked %K. McKeivitt

to loosen the left cuff, because it was too tight and that it was hurting me badly. Instead of loosening the cuff, %K. McKevitt and %K. Pesce ignored my plea for help, both officers simply told me to step back so the cell door can open, they both then placed a belt around my chest and back, which was attached to the handcuffs as I was escorted to the tier tables. I continued to plea for help to %K. McKevitt and to %K. Pesce to loosen the left cuff, but was only ignored by both officers, as they smiled at each other. As I sat down to have my blood drawn by the Nurse, the Nurse noticed that no blood was drawn into the needle, because the left cuff was on so tight that the cuff had cut off the circulation of my blood. The Nurse then asked %K. McKevitt to loosen the cuff so she can draw the blood, %K. McKevitt smiled in said, "No"! So the nurse with the look of disbelief, had to draw the blood from the veins in my hand. Out of aggravating pain, I asked %K. McKevitt "Why do you have to be so evil to me, because I reported your racist remarks you've said to me since I came here?" %K. McKevitt only smiled at me, as him and %K. Pesce escorted me back to the cell. Afterwards after complaining, I was sent to the Prison Infirmary due to the cuts and swelling of my wrist, also along with clearly seen by the Medical staff, the fear, the depression and anxiety. The malicious and sadistically acts of %K. McKevitt violated my 8th and 4th Amendments Rights when he unduly tighten the "cuffs" around my wrist, which caused injury and scars to me physically as well as mentally. %K. Pesce clearly violated my 4th Amendment Rights by failing after witnessing the unjust acts and my plea for his help, this undoubtedly showed "deliberate indifference," for these acts will continue, which has become a irreparable injury.

7. Relief

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

I Jason Todd Sanders, the Plaintiff prays that this court awards me a Preliminary Injunction and Temporary Restraining Order against both Defendants, because these act were of Retaliatory intentions by %K. McKevitt

who only influenced %K. Pesce, I ask this court to grant me a Declaratory Judgement due to actual controversy between the Defendant(s) and myself the plaintiff. I Jason Todd Sanders ask this court to grant me Punitive Damage and Compensatory for the clear violations of my 8th and 4th Amendment rights \$2,000 jointly and severally against both defendants and \$1500.00 against both defendants for the physical pain and injury, for the psychological damage, personal humiliation, and mental anguish.

8. Do you request a jury or non-jury trial? (Check only one)

☒ Jury Trial () Non-Jury Trial

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 19 day of April, 2021

Jason T. Sanders
Signature of plaintiff*

(*EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT).